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PTO/SB/21 (08-00)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	<b>Application Number</b>	09/458,858
	<b>Filing Date</b>	December 10, 1999
	<b>First Named Inventor</b>	Jamin Pandana
	<b>Group Art Unit</b>	2674
	<b>Examiner Name</b>	X. Wu
<b>Total Number of Pages in This Submission</b>	<b>Attorney Docket Number</b>	861975/0089

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Firm or Individual name	SCHULTE, ROTH & ZABEL
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05-01-02

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No.: 09/458,858  
Assignee: NMB, U.S.A., INC.  
Title: INTEGRATED USB INPUT DEVICE  
Applicant: Jamin Pandana  
Filed: December 10, 1999  
Examiner: X. Wu  
Group Art Unit: 2674  
Docket No.: 861975/0089

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**AMENDMENT IN RESPONSE  
TO FINAL OFFICE ACTION**

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Sir:

This is a response to the Final Office Action dated January 28, 2002 for which the shortened statutory period for response expires on April 28, 2001. Applicant respectfully requests the Examiner to reconsider the rejection of the claims and to further examine the application in view of the following comments set forth below.

Claims 1-13 are under consideration. Claims 1, 2 and 6-11 stand rejected under 35 US 102(e) as being anticipated by Poisner (U.S. Patent No. 5,943,506). Claims 3-5 stand rejected under 35 USC 103(a) as being unpatentable over Poisner in view of Brendzel et al. (U.S. Patent No. 5,706,031). Claims 12 and 13 stand rejected under 35 USC 103(a) as being unpatentable over Poisner. Applicant respectfully traverses these rejections for the following reasons.

The Office Action states that Poisner discloses an input device for a computer system comprising a keyboard and a pointing device, and that the keyboard contains a function controller for providing output signals in a USB system. According to the Office Action, the pointing device is coupled to the function controller such that the keyboard and the pointing device share the function controller.

It is believed a brief review of the present invention would be helpful. The present invention provides an input device for a computer system that has a keyboard having a function controller therein. Further, a pointing device shares the function controller. In the present invention, the USB controller is located inside the keyboard. The pointing device is thus, connected via the keyboard. Contrary to the comments in the Office Action, Claim 1 recites that the controller is within the keyboard by the language "a keyboard having a function controller." Further, Claim 7 recites "a first peripheral device having . . . a function controller." Claim 12 recites "a keyboard having a function controller therein." Poisner does not disclose this feature. Therefore, the present invention is not anticipated by Poisner. In addition, it would not have been obvious to combine the elements of Poisner with Brendzel to achieve the present invention. In fact, Brendzel is only cited for a wireless pointing device and Brendzel does not eliminate the deficiencies noted in Poisner.

The Patent Statute 35 U.S.C. § 102 states: "A person shall be entitled to a patent unless - . . ." Thus, the burden is on the Patent Office to prove that an applicant is not entitled to a patent. According to the MPEP, the Patent Office bears the initial burden of factually supporting any prima facie conclusion of obviousness. To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation to modify the references or to combine reference teachings. Second, there must be a reasonable

expectation of success. Finally, the prior art references must teach or suggest all the claim limitations. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." Ex parte Clapp, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985). The Examiner must provide evidence which as a whole shows that the legal determination sought to be proved is more probable than not.

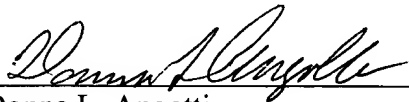
In the Office Action, it is acknowledged that Poisner does not specifically disclose that the USB controller is located within the keyboard. The Patent Office does not set forth evidence that the USB is anywhere but in the PC. The Patent Office identifies no teaching that integrating the USB control in the keyboard was a known alternative. It is commonly practiced to place the controller inside the PC portion of the computer. Therefore, if not specifically indicated otherwise, it was known to persons having ordinary skill in the art to place the controller inside the PC, not the keyboard. In addition, the Examiner states that the pointing device of Poisner is "dumb" because it is controlled by the USB controller. However, the Applicant does not find the support for this statement in the Poisner reference. Without an explicit statement that the Poisner controller is located within the keyboard or other teaching to locate the controller in the keyboard, rather than inside the PC as was conventional; the Patent Office has failed to meet its burden.

In summary, it is respectfully submitted that the amendments and arguments entered with the response filed on December 11, 2001 overcome each of the rejections and for the reasons set forth above, Claims 1-13 satisfy the statutory requirements for patentability of novelty, utility and non-obviousness in view of the references of record. Accordingly, early allowance of Claims 1-13 is respectfully requested.

If any extension of time not provided for herewith, is needed to maintain pendency of this application or for entry of this response, such extension is hereby requested and may be charged to Deposit Account No. 500675.

Respectfully submitted,

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By:   
Donna L. Angotti  
Reg. No. 32,679

Dated: April 26, 2002  
New York, New York